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Department of State **TELEGRAM**

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SUBJECT: MANEUVERING IN SUPREME COURT ELECTIONS

1. THE ANNUAL ELECTION OF SUPREME COURT OFFICERS SCHEDULED FOR NOVEMBER 20 HAS ATTRACTED MORE INTEREST THAN USUAL, STEMMING FROM THE ROLE THE CHIEF JUSTICE WILL PLAY NEXT YEAR AS CHAIRMAN OF THE CENTRAL ELECTORAL COUNCIL IN THE LOWER HOUSE AND PRESIDENTIAL ELECTIONS. ASSUMING THE PATTERN OF PAST ELECTION LAWS IS FOLLOWED, THIS COUNCIL WILL PASS ON THE QUALIFICATIONS OF CANDIDATES AND HAVE A ROLE IN CONSIDERING ALLEGATIONS OF IRREGULARITIES.

2. JUSTICES TELL US THE SUPREME COURT IS DIVIDED INTO TWO CAMPS. PRESENT CHIEF JUSTICE TRAN MINH TIET, MAI VAN AN, NGUYEN AN THONG, AND TRINH XUAN NGAN SUPPORT TIET'S RE-ELECTION. NGUYEN VAN SI, NGUYEN VAN BIEN, NGUYEN MONG BICH, AND TRAN VAN LINH FORM THE OTHER GROUP, WHICH IS CONSIDERED CLOSER TO THE EXECUTIVE THAN THE TIET SUPPORTERS. SI, BIEN AND LINH ARE ALL INTERESTED IN RUNNING, BUT IT APPEARS LINH WILL PROBABLY BE THE CANDIDATE OF THIS GROUP. UNCONFIRMED REPORTS INDICATE PRESIDENT THIEU WAS ASKED TO ARBITRATE AND HE CHOSE LINH.

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3. THE SWING VOTE IS THAT OF JUSTICE TRAN VAN LIEM, WHO NOVEMBER 14 UNHAPPILY CONFIRMED TO US HIS PLIGHT. IF SAID IT WOULD BE HIGHLY DESIRABLE FOR THE PRESTIGE OF THE COURT TO HAVE THE CHIEF JUSTICE ELECTED UNANIMOUSLY, INSTEAD OF BY A FIVE TO FOUR VOTE, AND HE IS URGING THE TWO GROUPS TO AGREE ON ONE CANDIDATE. IF THIS IS NOT DONE HE MIGHT EVEN CAST A BLANK VOTE, LEAVING A FOUR-FOUR TIE, LIEM SAID.

4. LINH, A VERY RESPECTED JUDGE, WAS CHIEF JUSTICE DURING THE FIRST YEAR OF THE COURT'S OPERATION WHEN ITS DECISIONS SEEMED CAREFULLY DESIGNED TO AVOID OPPOSING THE EXECUTIVE. THIS PAST YEAR UNDER TIET THE COURT HAS TAKEN A MUCH MORE INDEPENDENT STANCE IN A SERIES OF CASES INVOLVING STUDENT TRIALS, DEPUTY TRAN NGOC CHAU, AND AUSTERITY TAXES. THE SENATE ELECTION AUGUST 30, WITH THE CENTRAL ELECTORAL COUNCIL HEADED BY TIET, WAS GENERALLY HAILED FOR ITS FAIRNESS. THUS TIET'S RE-ELECTION AS CHAIRMAN WOULD PROBABLY BE REGARDED BY VIETNAMESE POLITICIANS AS A FACTOR ENCOURAGING FAIR CONDUCT OF THE 1971 ELECTIONS.

5. IN MID-OCTOBER RADICAL DEPUTY HO HUU TUONG TOLD THE PRESS THAT THE EXECUTIVE WAS ENGAGING IN BRIBERY TO DEFEAT TIET, AND THE ONLY WAY TO PROVE THE COURT WAS HONEST WAS TO RE-ELECT TIET. HOWEVER, WE HAVE NO EVIDENCE THAT THE EXECUTIVE HAS USED IMPROPER MEANS TO INFLUENCE THE ELECTION.
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